

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

THE TRUSTEES OF PURDUE  
UNIVERSITY,

Plaintiff,

v.

STMICROELECTRONICS N.V.,  
STMICROELECTRONICS  
INTERNATIONAL N.V., and  
STMICROELECTRONICS, INC.,

Defendants.

Civil Action No. 6:21-CV-00727-ADA

**DEMAND FOR JURY TRIAL**

**EXHIBIT A**

---

**From:** Li Chen <Lchen@lumenslawgroup.com>  
**Sent:** Tuesday, May 24, 2022 3:30 PM  
**To:** Michael Shore; Alfonso Chan; Mark Siegmund; hndai@shorechan.com  
**Cc:** Marlaina Wright  
**Subject:** Purdue v. ST Int'l NV: Notice of Defective Service  
**Attachments:** 0091 - Proof of Service of STNV.pdf; 20220524 Ltr from L Chen re defective service.pdf; STM \_ Purdue - Letter to Bailiff (English translation)(pdf).pdf; 2022-05-24 - STM \_ Purdue - Letter to Public Prosecutor (machine translation).pdf

Dear counsel:

Please see the attached.

Best,  
Li

Li Chen  
Managing Director  
Direct: 214.627.9955  
[LChen@LumensLawGroup.com](mailto:LChen@LumensLawGroup.com)



CONFIDENTIALITY STATEMENT. The information in this message, including attachments, is the confidential and/or proprietary information of Lumens Law Group PLLC (previously Chen Leftwich LLP) or its clients, or is otherwise protected by court order or regulatory authority. The information is intended solely for the individual(s) or entity(ies) named in the message. If you are not an intended recipient or you received this in error, then any review, printing, copying, or distribution of any such information is prohibited. Please notify the sender immediately by reply e-mail and then delete this e-mail from your system.

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

THE TRUSTEES OF PURDUE  
UNIVERSITY,

Plaintiff,

v.

STMICROELECTRONICS N.V.,  
STMICROELECTRONICS  
INTERNATIONAL N.V., and  
STMICROELECTRONICS, INC,

Defendants.

CIVIL ACTION NO. 6:21-CV-00727-ADA

JURY TRIAL DEMANDED

**PROOF OF SERVICE ON FOREIGN DEFENDANT STMICROELECTRONICS  
INTERNATIONAL N.V. UNDER THE HAGUE CONVENTION**

## OPENBAAR MINISTERIE

Arrondissementsparket Den Haag

Postbus 20302, 2500 EH Den Haag

L. Celeste Ingalls  
Crowe Foreign Services  
733 SW Vista avenue  
Portland, Oregon 97205  
United States of America

Prins Clauslaan 60  
2595 AJ Den Haag  
T +31 88 699 13 00  
www.om.nl

Date 3 mei 2022  
Team Sectie 4 / Internationale Rechtshulp  
Our reference **IR 921.132.1555**  
Contact J. Booister  
Telephone extension +31 70 381 3329 / fax +31 70 381 2160  
E-mail DH.ADM.IR@om.nl  
Your reference 6:21-CV-00727-ADA  
Attachment(s) -  
Subject Request for assistance

When replying, state the date,  
contact and our reference.

Dear sir / madam,

I hereby send you the requested documents. The request for assistance has been complied with.

In case of further correspondence, I kindly request you to use the aforementioned IR number as I cannot process any correspondence without the reference number.

Yours sincerely,  
the Public Prosecutor's Office

F.O.  
RJB

Mw. J. Booister  
Administrative assistant



# Geerlings & Hofstede

GERECHTSDEURWAARDERS | JURISTEN | INCASSO

## GERECHTSDEURWAARDERS

M.O. de Boer  
Mr. F.A. Rippen

## TOEGEVOEGD GER. DEURW.

Mevr. M. Hooijberg  
Mevr. R. Bakvis  
D.B.D. Hogendorp  
W.H.M. Heeremans  
A. Pothof

## JURISTEN

Mr. F.A. Rippen  
W.P.M. van den Broek  
M.A.J.A. Verhoeven

## CHEF DE BUREAU

M. van der Meij

## MANAGER HUURINCASSO

B.P. Saly

## FUNCTIONARIS

## GEGEVENS BESCHERMING

Mevr. M. Hooijberg

## KANTOORADRES

Gebouw L'Arche Bleu  
Overschiestraat 180  
1062 XK Amsterdam  
T. +31(0)20 - 67 68 676  
F. +31(0)20 - 67 52 036  
E. info@geerlingshofstede.nl

## CORRESPONDENTIEADRES

Postbus 9144  
1006 AC Amsterdam

## KANTOORUREN

maandag t/m vrijdag  
09.00 - 17.00 uur

## BTW nr. NL002459954B01

KvK. nr. 55104622

## KWALITEITSREKENINGEN

IBAN NL64 INGB 0000 5081 18  
BIC INGBNL2A

IBAN NL88 INGB 0670 4643 76  
BIC INGBNL2A

IBAN NL09 ABNA 0544 1053 11  
BIC ABNANL2A

Alle werkzaamheden worden  
uitgevoerd in overeenstemming met  
de eisen uit de Algemene Verordening  
Gegevensbescherming (AVG)  
Op [www.geerlingshofstede.nl/privacy](http://www.geerlingshofstede.nl/privacy)  
kunt u onze privacyverklaring lezen.

Alle opdrachten worden  
aanvaard en uitgevoerd  
overeenkomstig onze algemene  
voorwaarden die zijn gedeponeerd  
ter griffie van de  
Rechtbank Amsterdam onder  
nummer 74/2016.



Arrondissementsparket Amsterdam  
T.a.v. P.M.G. Dudink-den Hartog  
Postbus 115  
1000 AC Amsterdam

Dossiernummer: L2200457/MEY

Referentie: 2022008771

Datum: 7 april 2022

Inzake: STMICROELECTRONICS INTERN

Contact afdeling: losseopdracht@geerlingshofstede.nl | 020-5121625

Geachte mevrouw Dudink-den Hartog,

In bovengenoemde zaak doen wij u ingesloten het door ons uitgebrachte exploot  
toekomen.

De factuur is digitaal naar u verzonden.

Hoogachtend,

M. (Mathijs) van der Meij  
Chef de Bureau

*Wij verzorgen uw ambtelijke opdrachten door heel Nederland, ook speed!*





# Geerlings & Hofstede

GERECHTSDEURWAARDERS | JURISTEN | INCASSO

## GERECHTSDEURWAARDERS

M.O. de Boer  
Mr. F.A. Rippen

## TOEGEVOEGD GER. DEURW.

Mevr. M. Hooijberg  
Mevr. R. Bakvis  
D.B.D. Hogendorp  
W.H.M. Heeremans  
A. Pothof

## JURISTEN

Mr. F.A. Rippen  
W.P.M. van den Broek  
M.A.J.A. Verhoeven

## CHEF DE BUREAU

M. van der Meij

## MANAGER HUURINCASSO

B.P. Saly

## FUNCTIONARIS

## GEGEVENSBESCHERMING

Mevr. M. Hooijberg

## KANTOORADRES

Gebouw l'Arche Bleu  
Overschiestraat 180  
1062 XK Amsterdam  
T. +31(0)20 - 67 68 676  
F. +31(0)20 - 67 52 036  
E. info@geerlingshofstede.nl

## CORRESPONDENTIEADRES

Postbus 9144  
1006 AC Amsterdam

## KANTOORUREN

maandag t/m vrijdag  
09.00 - 17.00 uur

## BTW nr. NL002459954B01

KvK. nr. 55104622

## KWALITEITSREKENINGEN

IBAN NL64 INGB 0000 5081 18  
BIC INGBNL2A

IBAN NL88 INGB 0670 4643 76  
BIC INGBNL2A

IBAN NL09 ABNA 0544 1053 11  
BIC ABNANL2A

Alle werkzaamheden worden  
uitgevoerd in overeenstemming met  
de eisen uit de Algemene Verordening  
Gegevensbescherming (AVG)

Op [www.geerlingshofstede.nl/privacy](http://www.geerlingshofstede.nl/privacy)  
kunt u onze privacyverklaring lezen.

Alle opdrachten worden  
aangenomen en uitgevoerd  
overeenkomstig onze algemene  
voorwaarden die zijn gedeponeerd  
ter griffie van de  
Rechtbank Amsterdam onder  
nummer 74/2016



KONINKLIJKE BEROEPSORGANISATIE  
VAN GERECHTSDEURWAARDERS

**L2200457 - OFFICIER VAN JUSTITIE / STMICROELECTRONIC**

Heden, de **Vierde** april tweeduizend twee en twintig;

Op verzoek van **de Officier van Justitie in het Arrondissement Amsterdam**,  
zetelend te Amsterdam;

heb ik, **WILHELMUS HENDRIKUS MARIA HEEREMANS**, als  
toegevoegd gerechtsdeurwaarder werkzaam ten kantore van  
**MARTEN OTTO DE BOER**, gerechtsdeurwaarder te Amsterdam,  
beiden aldaar kantoorhoudende aan de Overschiestraat 180;

## **AAN:**

**de naamloze vennootschap STMicroelectronics International N.V.**, gevestigd en  
kantoorhoudende te (1118 BH) Schiphol, gemeente Haarlemmermeer, aan het adres  
Schiphol Boulevard 265, aldaar aan dat adres mijn exploit doende en afschrift dezes en  
van na te melden bescheiden latende aan:

voormeld adres in gesloten envelop met daarop de vermeldingen als wettelijk voorgeschreven,  
omdat ik aldaar niemand aantrof aan wie rechtsgeldig afschrift kon worden gelaten;

## **BETEKEND:**

een in de Nederlandse en Engelse taal gesteld stuk, inzake de daarin genoemde  
partijen. Ter aanduiding van de stukken is de eerste pagina van het betreffende stuk in  
dit exploit letterlijk geciteerd (door middel van een scan); respectievelijk pagina 2:

## CERTIFICATE ATTESTATION

The undersigned authority has the honour to certify, in conformity with Article 6 of the Convention,  
L'autorité soussignée a l'honneur d'attester conformément à l'article 6 de ladite Convention,

- ☒ **1. that the document has been served\***  
que la demande a été exécutée\*

– the (date) / le (date):	4 april 2022
– at (place, street, number): à (localité, rue, numéro) :	Schiphol, Schipholboulevard 265

– in one of the following methods authorised by Article 5: dans une des formes suivantes prévues à l'article 5 :	
<input type="checkbox"/>	a) in accordance with the provisions of sub-paragraph a) of the first paragraph of Article 5 of the Convention* selon les formes légales (article 5, alinéa premier, lettre a)*
<input checked="" type="checkbox"/>	b) in accordance with the following particular method*: selon la forme particulière suivante* : by bailiff in a closed envelop
<input type="checkbox"/>	c) by delivery to the addressee, if he accepts it voluntarily* par remise simple*

The documents referred to in the request have been delivered to:  
Les documents mentionnés dans la demande ont été remis à :

Identity and description of person: Identité et qualité de la personne :	
Relationship to the addressee (family, business or other): Liens de parenté, de subordination ou autres, avec le destinataire de l'acte :	

- ☐ **2. that the document has not been served, by reason of the following facts\*:**  
que la demande n'a pas été exécutée, en raison des faits suivants\*:

--

- ☐ In conformity with the second paragraph of Article 12 of the Convention, the applicant is requested to pay or reimburse the expenses detailed in the attached statement\*.  
Conformément à l'article 12, alinéa 2, de ladite Convention, le requérant est prié de payer ou de rembourser les frais dont le détail figure au mémoire ci-joint\*.

### Annexes / Annexes

Documents returned: Pièces renvoyées :	
In appropriate cases, documents establishing the service: Le cas échéant, les documents justificatifs de l'exécution :	

\* If appropriate / s'il y a lieu

Done at / Fait à <u>Amsterdam</u>	Signature and/or stamp Signature et/ou cachet
The / le <u>14 april 2022</u>	



**REQUEST  
FOR SERVICE ABROAD OF JUDICIAL OR EXTRA JUDICIAL DOCUMENTS**

*DEMANDE  
AUX FINS DE SIGNIFICATION OU DE NOTIFICATION A L'ETRANGER  
D'UN ACTE JUDICIAIRE OU EXTRAJUDICIAIRE*

**Convention on the service abroad of judicial and extrajudicial documents in civil or  
commercial matters, signed at The Hague, November 15, 1965**

*Convention relative à la signification et à la notification à l'étranger des actes judiciaires ou extrajudiciaires en matière civile  
ou commerciale, signée à La Hage, le 15 Novembre 1965.*

**Identity and address of the applicant  
*Identité et adresse du requérant***

**L. Celeste Ingalls\*\*  
Crowe Foreign Services  
733 SW Vista Avenue  
Portland, Oregon 97205  
USA  
Email: Lci@foreignservices.com  
Fax Number: 1-503-222-3950**

**Address of receiving authority  
*Adresse de l'autorité destinataire***

**De Officier van Justitie  
Postbus 20302  
2500 EH The Hague  
NETHERLANDS  
Tel: 31-0-70-381-1580 Fax: 31-0-70-381-2160**

The undersigned applicant has the honour to transmit - in duplicate - the documents listed below and, in conformity with article 5 of the above-mentioned Convention, requests prompt service of one copy thereof on the addressee, i.e.,

(identity and address)

*Le requérant soussigné a l'honneur de faire parvenir - en double exemplaire - à l'autorité destinataire les documents ci-dessous énumérés en la priant conformément à l'article 5 de la Convention précitée, d'en faire remettre sans retard un exemplaire au destinataire, savior:*

(identité et adresse)

**STMicroelectronics N.V.  
WTC Schiphol Airport  
Schiphol Blvd 265  
1118 BH Luchthaven Schiphol, Amsterdam, Netherlands**

- ☒ (a) in accordance with the provisions of sub-paragraph (a) of the first paragraph of article 5 of the Convention.\*  
a) selon les formes légales (article 5, alinéa premier, lettre a).
- ☐ (b) in accordance with the following particular method (sub-paragraph (b) of the first paragraph of article 5)\*:  
— b) selon la forme particulière suivante (article 5, alinéa premier, lettre b):
- ☐ (c) by delivery to the addressee, if he accepts it voluntarily (second paragraph of article 5)\*.  
— c) le cas échéant, par remise simple (article 5, alinéa 2).

The authority is requested to return or to have returned to the applicant a copy of the documents - and of the annexes\* - with a certificate as provided on the reverse side.

*Cette autorité est priée de renvoyer ou de faire renvoyer au requérant un exemplaire de l'acte - et de ses annexes - avec l'attestation figurant au verso.*

**List of documents**

*Enumération des pièces*

Hague "Summary" (2 pages)

\*\*\* Summons in a Civil Action

\*\*\* Plaintiff's Complaint for Patent Infringement,  
with Exhibits A-D

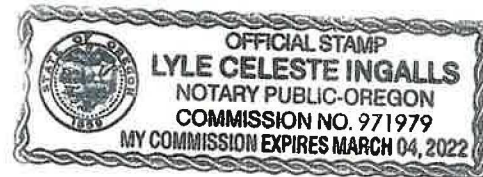
\*\*\* Civil Cover Sheet

\*\*\* First Amended Complaint for Patent Infringement,  
with Exhibit C

Done at Portland, Oregon, USA, the 11 day of Feb, 2022.  
*Fait à Portland, Oregon, USA, le...*

**Signature and/or stamp.**

*Signature et/ou cachet*



*L. Celeste Ingalls*  
**L. Celeste Ingalls**

\* Delete if inappropriate  
*Rayer les mentions inutiles*

\*\*\* **Authorized applicant pursuant to Rule 4(c)(2) of the Federal Rules of Civil Procedure, Public Law 97-462  
with Dutch translation**



**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS**

**THE TRUSTEES OF PURDUE UNIVERSITY,**  
*Plaintiff*

V.

Civil Action No. **6:21-CV-00727-ADA**

**STMICROELECTRONICS N.V., ET AL.,**  
*Defendant*

**SUMMONS IN A CIVIL ACTION**

TO: **STMicroelectronics International N.V.**  
**WTC Schiphol Airport, Schiphol Blvd 265**  
**1118 BH Luchthaven Schiphol**  
**Amsterdam, The Netherlands**

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States Agency, or an office or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

**Samuel E. Joyner**  
**Shore Chan LLP**  
**901 Main Street, Suite 3300**  
**Dallas, TX 75202**

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

**JEANNETTE J. CLACK**

CLERK OF COURT

**s/JENNIFER CLARK**

DEPUTY CLERK



ISSUED ON 2021-10-27 11:59:39

Civil Action No. 6:21-CV-00727-ADA

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4(1))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

- ☐ I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or
- ☐ I left the summons at the individual's resident or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or
- ☐ I served the summons on *(name of individual)* \_\_\_\_\_, who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or
- ☐ I returned the summons unexecuted because \_\_\_\_\_; or
- ☐ Other (specify): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's Address*

Additional information regarding attempted service, etc:

\_\_\_\_\_  
\_\_\_\_\_

PO Box 1110  
3000 BC Rotterdam  
Weena 800  
3014 DA Rotterdam  
T +31 10 224 00 00

Rotterdam, 24 May 2022

Kasper Krzeminski  
Lawyer  
T +31 10 22 40 155  
M +31 6 20 21 05 71  
kasper.krzeminski@nautadutilh.com

**BY E-MAIL**  
Public Prosecution Service  
District Court The Hague  
Section 4 / International legal assistance  
Mrs J. Booister  
Administrative Assistant

Tim Hartman  
Lawyer  
T +31 10 22 40 146  
M +31 6 46 92 93 49  
tim.hartman@nautadutilh.com

Prince Claus Avenue 60  
2595 AJ The Hague

**DH.ADM.IR@om.nl**

Dear Mrs Booister,

Subject: 50113732 STMicroelectronics / Legal  
Your ref.: IR 921.132.1555

We call your attention to the following. STMicroelectronics International N.V. ("**STM**") has asked us to assist it in a dispute with the Trustees of Purdue University ("**Purdue**"). In particular, it has asked us to review the recent attempt to serve a court notice in the Netherlands for proceedings in the United States.

STM has provided us with a copy of your letter of May 3, 2022, to L. Celeste Ingalls of Crowe Foreign Services, which letter was submitted on May 23, 2022, in the U.S. proceedings between Purdue and STM as "*Proof of service on foreign defendant STMicroelectronics International N.V. under the Hague Convention*" ("**Proof of Service**"; Exhibit 1). STM has asked us to contact you about this.

We hereby inform you that the service does not meet the requirements of the Hague Convention on Jurisdiction and the Code of Civil Procedure.

We have previously had contact in this respect with the bailiff who effected the service, Mr W.H.W. Heeremans, ("**Bailiff**"). We refer to the attached two letters dated 20 April 2022 ("**First Letter**"; Annex 2) and 10 May 2022 ("**Second Let-**

Amsterdam

Brussels

London

Luxembourg

New York City

Rotterdam

These communications are confidential, may be subject to professional secrecy and may not be used, disclosed, reproduced, distributed or retained by any person other than the intended recipient. All legal relationships are subject to the general terms and conditions of NautaDutilh N.V. (see [www.nautadutilh.com/terms](http://www.nautadutilh.com/terms)). These conditions contain a limitation of liability, are filed with the District Court of Rotterdam and will be sent free of charge upon request. Dutch law shall apply and any disputes shall be submitted to the exclusive jurisdiction of the District Court of Amsterdam. NautaDutilh N.V.; registered office in Rotterdam; trade register no. 24338323. For information regarding the processing of your personal data, please see our privacy policy: [www.nautadutilh.com/privacy](http://www.nautadutilh.com/privacy).

ter"; Annex 3). As we have informed the Bailiff, various irregularities have occurred in the service process, as a result of which no legally valid summons has been issued in accordance with the Hague Convention on Jurisdiction and the Enforcement of Judgments in Civil and Commercial Matters. We briefly explain this as follows.

On 4 April 2022, the Bailiff delivered the following documents at the office address of STM (265 Schiphol Boulevard, 1118 BH Schiphol) at the request of the Public Prosecutor in the District of Amsterdam:

- (i) A subpoena in a civil case summoning STM to appear in an action brought by Purdue in the United States District Court, Western District of Texas, dated July 14, 2021 (the "**Subpoena**"), both in the original English language and in a Dutch translation;
- (ii) Productions A to D accompanying the Summons, both in the original English language and in a Dutch translation;
- (iii) A JS-44 form, accompanying the Summons, both in the original English language and in a Dutch translation;
- (iv) A first amended version of the Subpoena dated 25 October 2021, both in the original English language and in a Dutch translation (the "**Amended Subpoena**"); and
- (v) Production C accompanying the Adjusted Summons, only in a Dutch translation.

As the Bailiff did not find anyone at STM's office address, he left an envelope addressed to "*STMicroelectronics International B.V.*" with the aforementioned documents at the post office of the building where STM's office is located. As a result, STM was not able to take cognisance of the documents until 11 April 2022.

With our First Letter we informed the Bailiff that the documents served contained the following two defects. The envelope left behind by the Bailiff was addressed to *STMicroelectronics International B.V.*, and therefore not to the apparently intended party *STMicroelectronics International N.V.* In addition, the documents served lacked the prescribed standard form as referred to in Article 5 (last sentence) of the Hague Convention on Jurisdiction and Enforcement. As a result, the service was incomplete and did not meet the requirements of the Hague Convention on Jurisdiction and Enforcement of Judgments in Civil and Commercial Matters for a valid cross-border summons. In order to rectify these deficiencies, we requested the Court Bailiff to submit the Summons (including the exhibits and the completed HBV form) for service to STM again.

In response to our letter, the Bailiff sent us a reply on 2 May 2022 (Annex 4). In



brief, the Bailiff stated that the incorrect name on the leftover envelope was an "obvious mistake". In addition, he sent us the missing model form which he had received from his client (the Public Prosecutor in the District of Amsterdam) (the "**Model Form**"; Annex 5). He also stated that he could not submit the Summons (including productions and the completed HBV model form) for service on STM again, because he had already returned the original documents to the public prosecutor.

Even after examining the standard form, we have concluded that the service was not served in accordance with the standard form. After all, Article 5 (last sentence) of the Convention on Jurisdiction and the Enforcement of Judgments in Civil and Commercial Matters requires that the standard form annexed to the Convention on Jurisdiction and the Enforcement of Judgments in Civil and Commercial Matters (completed by the applicant) be delivered to the addressee. The standard form contains, inter alia, the applicant's request to the requested State to serve the judicial documents set out in the standard form on the person named in the standard form as addressee.

However, it appears from the Model Form sent that the American authority requested the Dutch authority to serve the Model Form and the legal documents referred to therein (i.e. the Summons with accompanying exhibits and the *Civil Cover Sheet*) on a party named "*STMicroelectronics N.V.*". The Model Form thus does not refer to "*STMicroelectronics International B.V.*" or to "*STMicroelectronics International N.V.*".

The bailiff served the documents on "*STMicroelectronics International B.V.* ", or at least on "*STMicroelectronics International N.V.*" (if we were to interpret the manifest error as such), but not - as requested - on *STMicroelectronics N.V.* This cannot possibly be construed as a manifest error or error in writing, since *STMicroelectronics N. V.* is a different entity from *STMicroelectronics International N.V.* is a different entity from *STMicroelectronics International N.V.* *STMicroelectronics N.V.* is an existing entity registered under Trade Register 33194537, whereas *STMicroelectronics International N.V.* is registered under Trade Register 54298350.

Now that the documents have unmistakably been served on an entity other than the one indicated as the addressee in the Model Form, we are forced to conclude once again that the service has not been effected in accordance with the Hague Convention has taken place and is therefore invalid.

As the Bailiff had indicated that he was no longer able to rectify the omissions in the service, we requested the Bailiff to inform his principal, the Public Prosecutor



in the district of Amsterdam (as the (delegated) central authority under the Hague Convention on Service of Documents), of the invalidity of the service. From the submitted Proof of Service we understand that the Bailiff failed to do so. The consequence is that now a factually incorrect Certificate of Service has been filed in the US proceedings.

You will understand that in an international case like this it is very important that it is beyond doubt that the cross-border notice is correct and complete and meets all the prescribed requirements. After all, the court in the United States will have to assess the correctness and timeliness of the notice when determining the further course of the proceedings. Moreover, the lack of a valid and timely service ultimately also provides a ground to refuse recognition and enforcement of a judgment to be rendered. The service of judicial documents on a party other than the one for which they were ordered is therefore a serious omission which must be remedied as soon as possible so that it can be established beyond doubt that the judicial documents were correctly served. However, that is not the case at present. For this reason, STM, Purdue - as well as the Dutch Public Prosecutor in the district of Amsterdam as (delegated) central authority under the Hague Convention on Service of Documents - have an interest in ensuring that the validity and completeness of the service meets all legal and treaty requirements.

We therefore request that you inform the US authority as soon as possible that the service has not been legally effected and send us a copy of this message. Should the US authority again issue an order for the court documents to be served, please also inform us as soon as possible. Thank you in advance.

Yours sincerely,

NautaDutilh N.V.

Kasper Krzeminski  
Tim Hartman



**List of Annexes:**

1. Proof of service in the US procedure, dated 23 May 2022
2. First letter ND to bailiff, dated 20 April 2022
3. Second letter ND to bailiff, dated 10 May 2022
4. Bailiff's response to first letter ND, dated 2 May 2022
5. Model form, completed by the US authority, as referred to in Article 5 (last sentence) of the Hague Convention on Contracts for the International Sale of Goods, dated 11 February 2022



Li Chen  
Tel: 214 627 9955  
lchen@LumensLawGroup.com

---

May 24, 2022

***via electronic mail***

Mr. Michael Shore  
Mr. Alfonso Chan  
Mr. Shukri Ndai Halima  
Shore Chan LLP  
901 Main Street  
Suite 3300  
Dallas, Texas 75202

Mr. Mark D. Siegmund  
Shore Chan LLP  
1508 North Valley Mills Drive  
Waco, Texas 76710

Dear Counsel:

We have been engaged by STMicroelectronics International N.V. ("ST-INT'L") in connection with the above-referenced case. It's come to our attention that Plaintiff has filed a proof of service with the Court in connection with this matter. Please be advised that Plaintiff's proof of service is erroneous. For the reasons below, we ask Plaintiff to withdraw its erroneous proof of service and cure the service deficiencies identified by ST-INT'L.

As explained to your process server (the Bailiff) and the Public Prosecution Service in multiple letters (*e.g.*, see attached letters of April 20 and May 24, 2022), the attempted service on STMicroelectronics International N.V. suffers from several fatal defects. By way of example, the sealed envelope containing the summons is addressed to STMicroelectronics International B.V. (*i.e.*, not STMicroelectronics International N.V.) and the Model Form required by the Hague Convention similarly does not refer to STMicroelectronics International N.V. ST-INT'L has alerted both the Bailiff and the Public Prosecution Service of the steps that should be taken to rectify these errors (as outlined in the attached). We ask Plaintiff to withdraw its erroneous proof of service and cure its service deficiencies.

Thank you for your attention to this matter.

Best,

/s/ Li Chen

Li Chen

p.s. I will be boarding a flight tomorrow to head out of the country for approximately a month. I'll check emails during this time, but my responses may be delayed.



PO Box 1110  
3000 BC Rotterdam  
Weena 800  
3014 DA Rotterdam  
T +31 10 224 00 00

Rotterdam, 20 April 2022

Kasper Krzeminski  
Lawyer  
T +31 10 22 40 155  
M +31 6 20 21 05 71  
kasper.krzeminski@nautadutilh.com

Tim Hartman  
Lawyer  
T +31 10 22 40 146  
M +31 6 46 92 93 49  
tim.hartman@nautadutilh.com

**BY E-MAIL**

Geerlings & Hofstede  
Mr W.H.M. Heeremans  
Assigned Bailiff

l'Arche Bleu  
Overschiestraat 180-2  
1062 XK Amsterdam

Dear Mr Heeremans,

Subject: 50113732 STMicroelectronics / Legal  
Your ref.: L2200457 - Public Prosecutor / STMicroelectronic

STMicroelectronics International N.V. ("**STM**") has asked us to assist it in a dispute with the Trustees of Purdue University ("**Purdue**"). In particular, she has asked us to review the recent service in the Netherlands of a court notice for a proceeding in the United States, and to contact you about it.

On 4 April 2022, at the request of the Public Prosecutor in the District of Amsterdam, you served the following documents at STM's office address (Schiphol Boulevard 265, 1118 BH Schiphol):

- (i) A summons in a civil case summoning STM to appear in an action brought by Purdue in the United States District Court, Western District of Texas, dated July 14, 2021 (the "**Summons**"), both in the original English language and in a Dutch translation;
- (ii) Productions A to D accompanying the Summons, both in the original English language and in a Dutch translation;
- (iii) A JS-44 form, accompanying the Summons, both in the original English language and in a Dutch translation;

Amsterdam

Brussels

London

Luxembourg

New York City

Rotterdam

These communications are confidential, may be subject to professional secrecy and may not be used, disclosed, reproduced, distributed or retained by any person other than the intended recipient. All legal relationships are subject to the general terms and conditions of NautaDutilh N.V. (see [www.nautadutilh.com/terms](http://www.nautadutilh.com/terms)). These conditions contain a limitation of liability, are filed with the District Court of Rotterdam and will be sent free of charge upon request. Dutch law shall apply and any disputes shall be subject to the exclusive jurisdiction of the District Court of Amsterdam. NautaDutilh N.V.; registered office in Rotterdam; trade register no. 24338323. For information regarding the processing of your personal data, please see our privacy policy: [www.nautadutilh.com/privacy](http://www.nautadutilh.com/privacy).

- (iv) A first amended version of the Summons dated 25 October 2021, both in the original English language and in a Dutch translation (the "**Amended Summons**"); and
- (v) Production C accompanying the Amended Summons, only in a Dutch translation.

As you did not find anyone at the office address of STM, you left an envelope addressed to "*STMicroelectronics International B.V.* " containing the aforementioned documents at the post office of the building in which the STM office is located. As a result, STM was only able to take note of the documents on 11 April 2022.

The documents you have served contain the following two defects, which we would like to draw to your attention on behalf of STM.

Firstly, the sealed envelope left by you was incorrectly marked. The envelope was left addressed to "*STMicroelectronics International B.V.* ", and therefore not to the evidently intended party STMicroelectronics International N.V. Consequently, the envelope left behind by you does not comply with the requirements set by law. Pursuant to Article 47 (2) of the Dutch Code of Civil Procedure, the name and place of residence of the person for whom the writ is intended must be stated on the envelope. Due to the incorrect designation on the envelope, this is not the case. After all, the envelope should have mentioned the limited liability company STMicroelectronics International N.V. The foregoing also precludes the validity of the international service under Article 5, first sentence under (a) of the Hague Convention on Contracts for the Service of Documents.

Secondly, the documents served by you lack the prescribed standard form as referred to in Article 5 (last sentence) of the Hague Service Convention. Pursuant to Article 5 (last sentence) the standard form annexed to the Hague Service Convention (and completed by the applicant) must be delivered to the addressee. In this case, the standard form should therefore have been left with STM. In the absence of this document, the service is incomplete and does not meet the requirements of the Hague Service Convention.

You will understand that in an international case like this it is very important that it is beyond doubt that the cross-border notice is correct and complete and meets all the prescribed requirements. After all, the court in the United States will have to assess the correctness and timeliness of the notice when determining the further course of the proceedings. Moreover, the lack of a valid and timely notice ultimately also provides a ground to refuse recognition and enforcement of a judgment to be given. For this reason, STM, Purdue - as well as your client, the Public



Prosecutor in the District of Amsterdam as (delegated) central authority under the Hague Service Convention - have an interest in ensuring that the validity and completeness of the service you have made meets all legal and treaty requirements.

We therefore request you to rectify the above omissions by submitting the writ of summons (including exhibits and the completed Hague Service Convention model form) to STM for service again.

Could you please confirm in writing that you will correct the omissions in the service of documents? Could you also indicate when you will hand over the documents again? We can then ask the client to ensure that someone is present at the office to receive the documents. Thank you in advance.

Yours sincerely,

NautaDutilh N.V.

Kasper Krzeminski  
Tim Hartman